

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

CHAND & SAAJ HOSPITALITY, LLC	)	
d/b/a RAMADA INN LTD, AIRPORT,	)	
	)	
Plaintiff,	)	
	)	Case No. <u>CIV-13-412-F</u>
v.	)	
	)	
WESTERN HERITAGE INSURANCE	)	Removed from District Court of
COMPANY,	)	Oklahoma County
	)	Case No. CJ-2013-1789
Defendants.	)	

**NOTICE OF REMOVAL**

Defendant Western Heritage Insurance Company (“Western Heritage”), by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and Local Civil Rules 81.1 and 81.2, files this Notice of Removal of the above-captioned case on the basis of diversity jurisdiction and states:

1. On or about March 25, 2013, Plaintiff Chand & Saaj Hospitality LLC d/b/a Ramada Inn ltd. Airport filed this action against Western Heritage in the District Court of Oklahoma County, State of Oklahoma, styled Chand & Saaj Hospitality, LLC d/b/a Ramada Inn Ltd. Airport v. Western Heritage Insurance Co., Case No. CJ-2013-1789. (Ex. 1, Pet.)

2. Western Heritage received service of process sometime after April 5, 2013. (Ex. 2, Summons.)

3. No further proceedings have occurred in this action, and the time for answering or otherwise responding to the petition in the state court has not expired.

4. This Notice of Removal is timely under 28 U.S.C. §1446(b), in that it is being filed within thirty (30) days after the receipt by Western Heritage, through service or otherwise, of a copy of the initial pleading setting forth the claims for relief upon which Plaintiff's action is based.

5. This court has original jurisdiction pursuant to 28 U.S.C. § 1332 because Plaintiff and Western Heritage are residents of different states and the amount in controversy exceeds \$75,000.

6. Plaintiff is a citizen of Oklahoma and Western Heritage is not a citizen of Oklahoma. The citizenship of the parties is as follows:

- a. Plaintiff is an Oklahoma limited liability company with its principal place of business in Oklahoma. (Ex. 1, Pet. ¶ 1.)
- b. Western Heritage is an insurance company with its principal place of business in Arizona. Plaintiff admits that Western Heritage is a foreign insurance company. (Ex. 1, Pet. ¶ 2.)

7. Plaintiff alleges damages on its breach of contract claim of \$204,828.15 or greater and damages in excess of \$75,000 on its breach of the duty of good faith and fair dealing claim. (Ex. 1, Pet. ¶¶ 14, 22-26.)

8. If any question arises as to the propriety of the removal of this action, Western Heritage requests the opportunity to submit a memorandum of law in support of its position that the case is removable.

9. Western Heritage does not waive, and specifically reserves the right to assert, any and all defenses it may have to Plaintiff's claims in this case.

10. In accordance with 28 U.S.C. §1446(a) copies of all process and pleadings served upon Western Heritage are attached as Exhibits 1-2, and constitute all papers currently on file in the state court.

11. In accordance with Local Rule 81.2, a copy of the state court docket sheet is attached as Exhibit 3.

12. In accordance with 28 U.S.C. §1446(d), defendants have served this Notice of Removal on Plaintiff and will promptly file the same with the clerk of the state court.

13. In accordance with 28 U.S.C. §1446(a), undersigned counsel acknowledges that he signed this Notice of Removal pursuant to Rule 11 of the Federal Rules of Civil Procedure.

Respectfully submitted,

**HOLDEN & CARR**



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**CERTIFICATE OF SERVICE**

I hereby certify that on the 25<sup>TH</sup> day of April, 2013 a true and correct copy of the above and foregoing instrument was served on the parties as follows:

<input checked="" type="checkbox"/>	Via U.S. Mail	<input type="checkbox"/>	Via Facsimile Mail
<input type="checkbox"/>	Via Federal Express	<input type="checkbox"/>	Via Hand Delivery

to:

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*Attorney for Plaintiff*



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Attorney

File No. 11.130